

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JACQUELINE M. CARUSO,

Plaintiff,

v.

ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

No. 1:21-CV-01400

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

FEBRUARY 10, 2023

Jacqueline M. Caruso filed this action seeking review of a decision by the Acting Commissioner of Social Security (“Commissioner”) denying Caruso’s claim for social security disability benefits and supplemental security income benefits.¹ On January 19, 2023, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court vacate the Commissioner’s decision, remand this matter for further proceedings, and close this case.² No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether timely

¹ Docs. 1, 14.

² Doc. 19.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no clear error in Magistrate Judge Carlson’s conclusion that the Commissioner’s decision is not supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 19) is **ADOPTED**;
2. The Commissioner’s decision is **VACATED**, and this matter is **REMANDED** for further proceedings consistent with this Order and Magistrate Judge Carlson’s Report and Recommendation;
3. Final Judgment is entered in favor of Plaintiff and against Defendant pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.